

RUBIN, FIORELLA & FRIEDMAN LLP

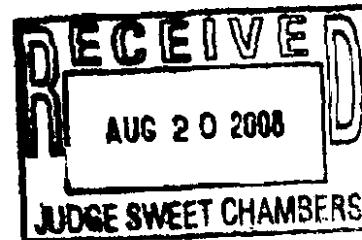
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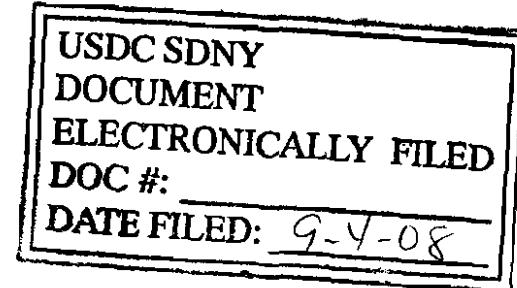
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August 20, 2008

Via Facsimile (212) 805-7925

Judge Robert W. Sweet
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1920
New York, NY 10007

Re: In the Matter of Donjon Marine Co., Inc.
as owner of the Tug William E.
S.D.N.Y. Civ. 07-3840 (RWS) (DFE)
Kirby v. Donjon Marine Co., Inc.
S.D.N.Y. Civ. 07-3747 (RWS) (DFE)
Our File No. 609-8731



Dear Judge Sweet:

We are counsel for petitioner Donjon Marine Co., Inc. In a Decision dated August 5, 2008, the Court granted petitioner's motion for summary judgment and dismissed plaintiff Dennis Kirby's complaint.

There were two related cases resolved by Your Honor's Decision, a limitation of liability proceeding begun by Donjon Marine (07-civ-3840) and the underlying injury lawsuit begun by Dennis Kirby (07-civ-3747). However, only the limitation proceeding has been closed. We understand from Your Honor's deputy that the Clerk cannot officially close the companion case without direction from the Court. Accordingly, it is respectfully submitted that the Clerk be directed to close the underlying injury lawsuit (07-civ-3747).

Respectfully submitted

RUBIN, FIORELLA & FRIEDMAN LLP

Michael E. Stern

SO ORDERED:

U.S.D.J.
8-28-08

cc: Gorayeb & Associates (via facsimile 212 962-5418)